



**UNITED STATES PATENT AND TRADEMARK OFFICE**

Technology Center 1700

Mailed: JUN 17 2004

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Paper Number: 10

In re application of :  
Shuji Hitomi : DECISION ON  
Serial No. 09/822,311 : PETITION  
Filed: April 02, 2001 :  
For: ELECTRODE FOR FUEL CELL AND PROCESS FOR THE  
PREPARATION THEREOF :

This is a response to the REQUEST FOR RECISION OF ISSUED NOTICE OF ABANDONMENT OR , IN THE ALTERNATIVE, PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed March 24, 2004. The request or petition asks that the abandonment, as set forth in the Notice of Abandonment of February 25, 2004, for failure to timely file a proper response to the Office letter dated July 23, 2003 be withdrawn. The petitioner asserts that applicant timely filed a proper response to the Office letter of July 23, 2003 on October 23, 2003.

**DECISION**

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the petitioner's evidence provided with the instant petition indicates that the the request has merit. The evidence presented is sufficient to establish that the applicant did reply to the Office letter of July 23, 2003 in a timely manner. The submitted evidence includes copies of the Amendment filed on October 23, 2003 and the USPTO Mail Room date stamped receipt dated October 23, 2003 acknowledging receipt of the Amendment.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the Technical Support Staff



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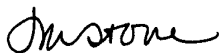
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for entering of the response and then forwarded to the examiner for prompt consideration.

The Petition is **GRANTED**.



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